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Agent Docket No. 13991

RECEIVED

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

MAY 10 2004

In re

OFFICE OF PETITIONS

Application 10/052,865 filed 01/17/02, : Date 05/03/2004
to inventor Henry O. Walcott : Art Unit 2858
for IMPROVED RANGE RESISTORS FOR AC-DC TRANSFER MEASUREMENTS
from provisional application 60/362,242, filed 01/17/2001.
Status: PETITION FOR REVIVAL Rule 1.137(a) mailed 04/09/2004 with
preliminary amendment and copy of the missing abstract. Received
PTO response from Charles Steven Brantley, Petitions Attorney,
mailed 04/23/2004.

ADDENDUM TO REQUEST FOR RECONSIDERATION

PETITIONS BRANCH

MAIL STOP 313

COMMISSIONER FOR PATENTS

P.O. BOX 1450

Alexandria, VA 22313-1450

Sir,

Regarding the above-identified application, and supplemental to the REQUEST FOR RECONSIDERATION mailed 05/01/2004 in response to the PTO Office response mailed 04/23/2004, dismissing the above-identified petition, petitioner/agent hereby submits for the record the following further information regarding patent 6,050,625 which was cited by the Petitions Attorney with the notation: "(not clear if this has expired)".

Per petitioner/agent's response, the patent did not expire on his "watch": this issued patent was unexpired when agent's term of responsibility for notification and payment of maintenance fees in this case terminated on 10/25/2001, when it

was transferred to the inventor/patent holder C.R. Nisbet by his signature on the form ELECTION REGARDING PATENT MAINTENANCE FEES (copy submitted to Petitions Attorney with Request for Reconsideration). In the interests of showing further evidence of the diligence of agent's standard practice procedures, attached is a copy of the letter dated 09/28/01 which accompanied the foregoing ELECTION... form on submission to the patent holder

Even the inclusion of this patent in the Petition Attorney's listing was erroneous: the PTO MF group had failed to enter a change of Fee Address in response to agent's double submission on 11/15/01 of a "FEE ADDRESS" INDICATION FORM (copy attached): by both mail and FAX (note paralegal's notation at the top). This failure is evidenced by agent's name now continuing to appear erroneously in the MF web site as the Fee Address of this patent, which is why it was picked up erroneously in the Petition Attorney's search of the PTO records.

Like the Petitions Attorney, the agent found available PTO information unclear regarding the expiry status of this patent: two of the PTO MF web pages indicated no fee due, while the Patent Status site indicated no event more recent than the issue date, all of which tended to indicate non-expiry. On the other hand a third MF web page (window 4) was inaccessible apparently indicating a system error or malfunction, but preventing any confirmation of expiry status.

At the time of completing and submitting the REQUEST FOR RECONSIDERATION agent was unable to contact the PTO by phone since the PTO was already closed for the weekend. Attempts to contact the patent holder had also failed, but did indicate that both his phone numbers and address have changed from the most recent in the agent's records: this failure on the part of the patent holder to notify agent of his change of address is understandable in view of the patent holder having taken over responsibility for MFs in this patent and having had no other ongoing matter involving contact with the agent.

The purpose of this communication is to resolve the remaining uncertainties and questions that the erroneous citing of this patent may have raised, in light of new information obtained today by the agent in a phone contact with "Mike" in the PTO Maintenance Fee group.

Mike confirms that the subject patent expired on 04/18/2004 for failure to pay the four year maintenance fee.

Mike explained that, to PTO MF personnel, the fact that the PTO MF web site shows no fees to pay, along with the facts that the current date is past the anniversary expiry date and that the window page could not be opened, all these items taken together show the patent to have expired.

Agent enquired, in effect, if this was found unclear and confusing to a Petitions Attorney and to an experienced patent agent, how can an interested member of the public, inventor, investor, etc., similarly unaware of this bureaucratic insider quirk and finding the PTO showings unclear, determine whether a patent has expired? The only recourse suggested was a telephone enquiry to the PTO MF group. This, to the agent, immediately raises a red flag of potential frustration and dissatisfaction, based on a great deal of past experience including the present difficulties arising from PTO failure to enter a simple change of Fee Address.

That the PTO MF group falls far short of the PTO's objectives of client-friendliness is abundantly evident to agent based on past frustrations, including the difficulty of reaching a live representative, usually involving numerous phone calls, busy lines and call-backs. A busy line can always be expected on the first call, as it was today. Agent was almost shocked to obtain an immediate live response on the second call made on a PTO MF back-up number. The ensuing conversation with Mike proved to be helpful and informative, and resolved the issues at hand: a refreshing exception to agent's past experiences and expectations with the MF group.

Mike had no explanation of why the expiry status of a patent is not shown more clearly on the PTO web site: he agreed with agent that a clearer indication, e.g. simply displaying the word "expired", would be desirable.

Mike was unable to shed any light on the PTO error/omission of failing to enter agent's submitted change of Fee Address.

Mike confirmed what the agent had learned from past experience: that it is the MF group's policy to never provide any confirmation of Fee Address changes, even when specifically requested. Per Mike this "no confirmation" policy is necessary in view of the large volume of such changes received; the group is so understaffed that, even with this refusal to provide such confirmations, there is typically and currently a four month backlog in entering such changes, so the only way of getting confirmation that a submitted change was indeed entered (and entered correctly) is by interrogating the uspto.gov web site some time after the four month lag.

Due to this failure of PTO to enter the change of Fee Address, agent received a MAINTENANCE FEE REMINDER printed 11/05/03 (copy attached) which should have gone directly to the patent holder. As a voluntary free service to a now ex-client, the agent took time out to alert the patent holder by FAX 12/02/03 (copy attached). Receipt of this was subsequently acknowledged by a phone call from the patent holder, who indicated that at that time he had not yet decided whether to pay the MF or let the patent expire. Agent re-submitted the change of Fee Address but, of course, received no confirmation, and now finds this not yet entered.

Per Mike of the MF group, the "Fee Address" cannot now be changed even for correction on this patent since it has now expired, thus the agent cannot proceed with his intentions to once more attempt to be removed from the record by correction of the Fee Address. Instead, the only circumstance under which this could become possible would be in the event of revival by the

patent holder. If that were to occur without knowledge of the agent and without correcting the "Fee Address", the error would still continue until either the agent somehow discovers the revival from subsequent web site enquiries or receives some further correspondence in this case from the PTO, i.e. regarding revival.

The foregoing history of this case exemplifies how typical shortcomings in the PTO system lead to a great deal of unnecessary "wheel-spinning" by the agent: in contributing to burden and backlog, these also contribute to risk of error and omissions by the agent. In agent's view many of these PTO errors and omissions, while no doubt regarded by the PTO as "unavoidable", could have been avoided by a little more care and common sense.

Given that no nation, president, public or private institution, business or individual is perfect regarding performance or recollection of past events, one sincerely striving to do the best possible under adverse circumstances should not be penalized by an absolute or overly harsh interpretation of "unavoidable".

The remedial actions and other repercussions including subject petition, request for reconsideration and the present supplement, that have resulted from agent's shortcomings amply compounded by those of the PTO, particularly in the present MF expiry matter, are of such extent that the penalties already paid by agent in time and money are much more than enough to motivate even greater efforts to prevent recurrence in the future.

Respectfully submitted

by  J. E. McTaggart

Registration No. 29,754

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Ventura, CA 93003

Tel. 805 339 0456

COPY

J. E. McTaggart

Professional Engineer
U.S. Patent Agent
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805 339 0456

09/28/01 RECEIVED

MAY 10 2004

OFFICE OF PETITIONS

Mr. Charles Richard Nisbet
21279 Entrada Roadite 204
Topanga, CA 90290

In re: Maintenance Fees; U.S. Patent 6,050,625, issued 04/18/00
for TABLE TENNIS BALL RETRIEVING AND DISPENSING SYSTEM,
Docket No. 1313
Status: MF1 due 10/18/03

Dear Richard,

Please find enclosed the ELECTION REGARDING PATENT MAINTENANCE FEES form, on which you can indicate your preference regarding the handling of PTO Maintenance Fees.

As indicated in the enclosed INFORMATION sheet, there is a one-time fee of \$100.00 for me to serve as address of record for PTO maintenance fees.

Please mark, sign and return the enclosed form within one month; otherwise I will assume you have chosen to pay the maintenance fees directly to the PTO and I will notify the PTO to change the address of record to your address as shown above.

Yours Truly,


J.E. McTaggart

pgw
enclosures

mailed & faxed to 708 308 5077

11:20am 11-15-01

COPY

PTO/SB/97 (10-00)

Approved for use through 12/31/2002. OMB 0651-0018

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

"FEE ADDRESS" INDICATION FORM

Address to:
Assistant Commissioner for Patents
Box M. Fee
Washington, D.C. 20231

Please recognize as the "Fee Address" under the provisions of 37 CFR 1.363 the following address:

☐ Customer Number →
Type Customer Number here

Place Customer Number Bar
Code Label here

OR

☐ Request for Customer Number (PTO/SB/125) attached hereto

OR

☒ Firm or
Individual Name

Charles Richard Nisbet

Address 21279 Entrada Rd.

Address

City Topanga State CA Zip 90290

Country USA

Telephone 310-455-0134 Fax 310-455-0794

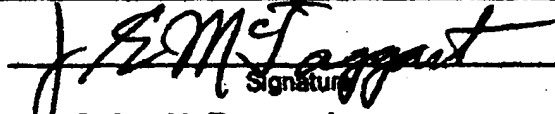
In the following listed application(s) for which the Issue Fee has been paid or patent(s).

PATENT NUMBER (if known)	APPLICATION NUMBER
6,050,625	09/133,359

(check one)

☐ Applicant/Inventor

☒ Attorney or Agent of record 29,754
(Reg. No.)


J.E. McTaggart
Typed or printed name

☐ Assignee of record of the entire interest. See
37 CFR 3.71. Statement under 37 CFR 3.73(b)
is enclosed. (Form PTO/SB/96)

805-339-0456
Customer's telephone number

☐ Assignment recorded at Reel _____ Frame _____
Date 11-15-01

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ Total of _____ forms are submitted.

Burden Hour Statement: This collection of information is required by 37 CFR 1.363. This information is used by the public to submit (and by the USPTO to process) payment of patent maintenance fees. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 0.08 minutes to complete, including gathering, preparing, and submitting the complete payment of maintenance fees. Time will vary depending on the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



COPY

Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office
Washington, DC 20231
www.uspto.gov

PAYOR NUMBER
20302

P75M

J E MCTAGGART
1860 EASTMAN AVENUE
SUITE 105
VENTURA CA 93003

DATE PRINTED

11/05/03

MAINTENANCE FEE REMINDER

According to the records of the Patent and Trademark Office the maintenance fee for the Patent(s) listed below, for which the above address is of record as the fee address under CFR 1.363 has not been paid within the six-month period set forth in 37 CFR 1.362(D). THE MAINTENANCE FEE MAY STILL BE PAID WITH THE APPLICABLE SURCHARGE SET FORTH IN 37 CFR 1.20(H), WITHIN THE SIX-MONTH GRACE PERIOD SET FORTH IN 37 CFR 1.362(e).

Each patent for which the applicable maintenance fee is not paid to the Patent and Trademark Office on or before the date the fee is due or within the grace period, accompanied with the applicable surcharge if paid within the grace period, WILL EXPIRE AS OF THE END OF THE GRACE PERIOD. 35 U.S.C. 41(b).

A PATENT EXPIRES AT THE END OF THE SAME DATE (ANNIVERSARY DATE) THE PATENT WAS GRANTED IN THE 4TH, 8TH, OR 12TH YEAR AFTER THE GRANT DEPENDING ON THE MAINTENANCE FEE WAS NOT PAID. 37 CFR 1.362(g).

THE PAYMENT DUE AS SET FORTH BELOW IS BASED ON THE SMALL ENTITY STATUS ACCORDING TO CURRENT OFFICE RECORDS.

TIMELY PAYMENT OF THE TOTAL FEE DUE IS REQUIRED IN ORDER TO AVOID EXPIRATION OF THE PATENT. NOTE 37 CFR 1.378.

PATENT NUMBER	MNT FEE SUR AMT CHG	U.S. APPL NUMBER	PATENT DATE	APPLI- CATION FILE DATE	PAY- SMALL MENT ENT- YEAR ITY ?	TOTL PAYM DUE	ATTORNEY DOCKET NUMBER
6050625	455 65	09133359	04/18/00	08/13/98	4 YES	520	1313

Section 41(f) of title 35, United States Code, provides that fees established under 35 USC 41(a) and (b) may be adjusted on October 1, 1992 and every year thereafter, to reflect fluctuations in the CPI over the previous twelve months. Section 41(g) of title 35 United States Code provides that new fee amounts established by the Director under Section 41 may take effect thirty days after notice in the Federal Register and the Official Gazette of the United States Patent and Trademark Office. Customers may wish to refer to the official USPTO Web site (www.uspto.gov) for the most current fee amounts before submitting payment.

The fee amount paid should be the fee that is required on the date the fee is paid (and not necessarily the fee amount indicated on a notice from the United States Patent & Trademark Office).

Direct your payment along with a copy of this notice to: United States Patent & Trademark Office, P. O. Box 371611, Pittsburgh, PA 15250-1611.

Direct any questions about this notice to: Mail Stop M. Correspondence, Director of the United States Patent & Trademark Office, P. O. Box 1450, Alexandria, VA 22313-1450.

FAX Message

COPY

From: J. E. McTaggart

Professional Engineer
U.S. Patent Agent

1860 Eastman Avenue, Suite 105
Ventura, CA 93003

Date: 12/02/2003

Number of pages including this sheet: 2

To: Richard Nisbet

FAX No. 310 455 0794

Subject: U.S. Patent 6,050,625 for TABLE TENNISSYSTEM

Message:

Richard;

Herewith is a copy of the MAINTENANCE FEE REMINDER regarding subject patent that should have gone to you but came here instead. You will need to pay this before 04/18/2004 to prevent the patent from expiring.

Although we notified the Patent Office on 11/15/2001 by both mail and FAX to change the address of record to your address, it didn't get entered by the Patent Office, so we will notify them once again and follow up this time to make sure it gets corrected!

The address I gave them was: Charles Richard Nisbet
21279 Entrada Road
Topanga, CA 90290

Telephone 310 455 0134 FAX 310 455 0794

Please let me know if this address is still OK or, if not, give me your updated address for this.

Regards,



P.S. Hope the table tennis balls are bouncing well for you these days!

If you do not receive all pages, please call back immediately.

805 339 0456

FAX: 805 339 0711